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Biharis

A linguistic minority

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The successive governments of Bangladesh have consistently denied the existence of any discrimination against the ethnic, religious or cultural minority communities living in this country. However, the case of the Bihari community is exceptionally different from the other minority communities. In the first place the members of the community, who reside in so-called refugee camps are not recognized as citizens of Bangladesh by the government. In the second place the Biharis are not socially accepted in the vast majority of the Bangladeshi society for their language, culture and alleged collaboration with the Pakistan's occupation army during the war of liberation in 1971.

In Bangladesh they are identified in the local society by different nomenclatures, such as non-locals, non-Bengalis and stranded Pakistanis etc. After over three decades of independence, these classifications in fact reflect negation and denial of national identity of this linguistic minority of Bangladesh. Some people in the Bihari community argue that they are citizens, and as such they should be called as Bengalis or Bangladeshis, and if not, the most appropriate identification for them would be Indian Bengalis or Indian Bangladeshis, or Bhartio Bangladeshis. This cannot be denied that their original root is in India.

With the amendments in the Constitution of 1972, a division emerged between the two politically divergent groups of people in Bangladesh, one claiming itself as Bengali and other as Bangladeshi. The nation is yet to resolve the issue of its national identity.

HISTORY: To study deeply the political and social aspects of the issues of

the Bihari minority in Bangladesh, it is necessary to look back briefly to the history of their present status in Bangladesh.

Being the religious minority in British India, the Muslims demanded a break away homeland and claimed themselves as a separate nation. Their political movement to create Pakistan as separate homeland caused communal riots in British India that particularly affected the Bihar province where during 25 October to 10 November 1946, 50,000 Bihar Muslims were killed and 500,000 were affected, as a retaliation of anti-Hindu riots in Noakhali in the then East Bengal (Bangladesh).

In 1947, India was divided and Pakistan was established. That division forced the Indian Muslims particularly the Bihari Muslims to migrate from their original homeland to East and West Pakistan. Most of the immigrants from the Indian States of UP, Bihar and West Bengal came to East Pakistan. The majority of them were Urdu speaking. They were called as 'Mohajirs' meaning refugees, and later they became Biharis in Bangladesh, but they retained their nomenclature 'Mohajirs' in West Pakistan (Pakistan). During the 24 years of Pakistani rules, the Biharis as 'Mohajirs' were a privileged community both in social and economic fields. After the emergence of Bangladesh in 1971, the Bihari became once again victims of the political development that forced them to take refuge in the 67 makeshift camps and enclaves all over Bangladesh.

After the War of Liberation in Bangladesh, several agreements were signed among the three countries - India, Pakistan and Bangladesh in 1972, 1973 and 1974 to resolve the humanitarian problems of the war affected people in three South Asian countries. India and Pakistan resolved the issues of their stranded people by signing the Simla Agreement on 2 July 1972. The humanitarian issues of the Biharis, who were called as "stranded Pakistanis" as the International Committee of the Red Cross Society (ICRC) had obtained their option to repatriate them to Pakistan, remain unsettled.

Following the Simla Agreement, India, Pakistan and Bangladesh resolved to address the humanitarian issues of their stranded citizens in Pakistan and Bangladesh under the two agreements signed on 28 August 1973 and 9 April 1974 respectively. It was in 1974 that a tripartite agreement was signed in New Delhi on the issue of repatriation. This has provided an international legal basis for (i) repatriation of all non-Bengalis domiciled in the then West Pakistan (Pakistan), (ii) employees of Central Government and members of their families, and (iii) members of the divided families irrespective of their original domicile.

Those who do not fall within the category cannot be termed as "stranded Pakistanis".

Following the Delhi Agreement a section of the Bihari community was taken to Pakistan through the repatriation process under the supervision of the ICRC. The repatriation process, however, ended in 1993, when a batch of

only 63 out of 3,000 Bihari families repatriated to Pakistan along with the visiting former Prime Minister Newaz Sharif. Since then the members of the remaining 2,937 families have been languishing in 67 small and large camps in different places of Bangladesh.

Constitutional Development:

Now let us see the human rights situation and the political status of this linguistic minority in the background of the Constitutional development of Bangladesh with reference to the enactment of various laws and its implementation under the Constitution.

After the establishment of the United Nations, the Social and Economic Council of the world body had set up the Commission on Human Rights under Article 68 of the UN Charter to draft the Universal Declaration of Human Rights, which the General Assembly adopted on 10th December 1948.

The Constitution of Bangladesh came into operation in December 1972. It not only embodied the principles of constitution, rule of law and human rights, it made specific provisions for their realization and enforcement.

Bangladesh as a member state of the United Nations is committed to Human Rights for all. It recognizes the Universal Declaration of Human Rights. Article 2 of UN Declaration says:

"Everyone is entitled to all the rights and freedoms set forth in this declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

Adoption of Universal Declaration of Human Rights was followed by the two Covenants on Civil and Political Rights (ICCPR) and on the Economic social and cultural Rights (ICESCR) on the model of the UDHR adopted by the General Assembly in 1966. ICCPR did not, however, enter into force until 23rd March 1976, when the required number of 35 states ratified them. ICESCR entered into force on 3rd January 1976. Relevant provisions of the two Covenants are as follows:

ICCPR, Article 2(1): Each State Party to the present Covenant undertakes to respect and to ensure to all individual within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

ICCPR, Article 27: In those States in which ethnic, religions or linguistic minorities exist persons belonging to such minorities shall not be denied the right, in community with other numbers of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.

[To be continued]

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